UNITED STATES PATENT AND TRADEMARK OFFICE

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| 10/791,299 | 03/01/2004 | Basil C. Hosmer | 47583/P046US/10316464 | 3513 |

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| EXAMINER |
|---|
| LEE, JUSTIN YE |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2617 | |

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.  2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) _1-24_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-24_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

## DETAILED ACTION

Claim Rejections - 35 USC § 101

1.      35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

2.      Claims 17-24 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. A computer product having a computer

readable medium with computer program logic recorded thereon.

### *Claim Rejections - 35 USC § 103*

3.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.      Claims 1-5, 7-8, 9-13, 15-16, 17-21, 23-24 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Nanja (US 2002/0107830 A1) in view of Phillips et al. (US

2004/0176085).

        Consider claim 1. Nanja discloses receiving information preferences from a

plurality of subscribers to said mobile information system (paragraph 20, aggregator

application 207 receives user web data requests);

        Transmitting said aggregated information preferences to one or more data

source providers (paragraph 16, the requests are sent to web server 105); and

Assembling data for said mobile information system using said aggregated information preferences (paragraph 16, the web server 105 extracts requested information from content 213 and sends to the system 103).

Nanja does not disclose aggregating said information preferences.

Phillip et al. further disclose aggregating said information preferences (paragraph 83, the aggregator 240 can aggregate the information received on the customer's premises, also see paragraph 44, 63-66 and Fig. 1E).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Phillip et al. into the teachings of Nanja for the purposes of increasing efficiency (paragraph 4).

Consider claim 2. Nanja also discloses separating said information preferences according to one of a plurality of channels of said mobile information system (Fig. The requests are separated and sent to servers 105a-105c according to requested service).

Consider claim 3. Nanja also disclose transmitting said aggregated information preferences to one or more data source providers responsible for providing said data for said one of said plurality of channels (Fig. 1, the requests are sent to servers 105a-105c).

Consider claim 4. Nanja also disclose transmitting said assembled data to said mobile information system; and sending subscriber-specific feed data streams to each one of said plurality of subscribers according to said information preferences entered by said plurality of subscribers (paragraph 16-18, the extracted information from content 213 according to the requests is sent to the wireless unit 101).

Consider claim 5. Nanja also disclose determining which of said plurality of subscribers are connected to said mobile information system; and wherein said sending step comprises: sending subscriber-specific feed data streams to connected ones of said plurality of scribers (paragraph 18, the data synchronizer application 208 transfer any new information to the connected wireless unit 101 so it must be able to detect the connected wireless unit before transferring the new information).

Consider claim 7. Nanja also disclose said data is contained in a data document, wherein said data document is created from a data-descriptive meta-language (paragraph 16, XML is a data-descriptive meta-language).

Consider claim 8. Nanja also disclose said data document is obtained by one of:

Polling a Web site containing a formatted data document; and

Polling a data server containing an unformatted data document, wherein an data style layout transform is used to transform said unformatted data document into a formatted data document (paragraph 16, the information can be obtained directly from web content 213 or through a middleware components 212 for generating the data in XML format).

Consider claims 9-13, 15-16, 17-21, 23-24. Claims 9-13 and 17-21 do not substantially differ from claims 1-5 and claims 15-16 and 23-24 do not substantially differ from claims 7-8 in that is a system and computer program product performing the operations of the method of claims 1-5 and 7-8 (also see Nanja, Fig. 2 and paragraph 2 discloses the aggregation is done by a software). Thus, see claims 1-5 and 7-8 rejection for details.

5.      Claims 6, 14, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nanja (US 2002/0107830 A1) in view of Phillips et al. (US 2004/0176085) as applied to claim 4 and further in view of Ta et al. (US 2004/0199635 A1).

Consider claim 6. Nanja and Phillips et al. do not disclose checking assigned bandwidth limitations for each of said plurality of subscribers; and wherein said sending step comprises: sending subscriber-specific feed data streams to ones of said plurality of subscribers whose assigned bandwidth limitations has not been exceeded.

Ta et al. further disclose checking assigned bandwidth limitations for each of said plurality of subscribers; and wherein said sending step comprises: sending subscriber-specific feed data streams to ones of said plurality of subscribers whose assigned bandwidth limitations has not been exceeded (paragraph 41, checking to see if the bandwidth limit exceeded or not. If not, then transmit data).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Ta et al. into the teachings of Nanja and Phillip et al. for the purposes of improved bandwidth allocation (paragraph 14).

Consider claims 14 and 22. Claims 14 and 22 do not substantially differ from claim 6 in that is a system and computer program product performing the operations of the method of claim 6. Thus, see claim 6 rejection for details.


6.      The specification as a whole do not expressly disclose what a computer program product is. The examiner has defined a computer program product in claim 17 is a
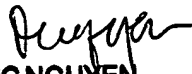
computer program product consisting of a computer readable medium with computer program logic recorded thereon.

7.      Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Y. Lee whose telephone number is (571) 272-5258.  The examiner can normally be reached on M - F    8:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on 571-272-7503.  The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.  Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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PRIMARY EXAMINER